

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:11-cv-00182-RLV-DSC**

ROBERT M. HICKS,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)
)

MEMORANDUM AND ORDER

THIS MATTER is before the Court on the parties' cross-motions for summary judgment. (Docs. 12, 13.)

Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David S. Cayer was designated to consider and recommend disposition of the aforesaid motions. In a Memorandum and Recommendation Opinion ("M & R"), filed May 22, 2012, the Magistrate Judge recommended that Plaintiff's Motion for Summary Judgment be denied, that Defendant's Motion for Summary Judgment be granted, and that the Commissioner's decision be affirmed. (Doc. 15.) The time for filing objections has since passed, and no objections have been filed by either party in response. 28 U.S.C. § 636(b)(1)(C).

After a careful review of the M & R, the Court finds that the Magistrate Judge's findings of fact are supported by the record and that his conclusions of law are consistent with and well supported by current case law. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315–16 (4th Cir. 2005) ("[I]n the absence of a timely filed objection, a district court need not

conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)); *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections). Accordingly, the Court hereby accepts the M & R of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

IT IS, THEREFORE, ORDERED that Plaintiff’s Motion for Summary Judgment (Doc. 12) be **DENIED**; that Defendant’s Motion for Summary Judgment (Doc. 13) be **GRANTED**; and that the Commissioner’s denial of benefits be **AFFIRMED**.

Signed: January 11, 2013



Richard L. Voorhees
United States District Judge

